

REMARKS

Claims 1-21 are pending in this application. Claims 1 and 18 are independent claims. Claim 22 has been cancelled without prejudice or disclaimer, and claims 1 and 18-21 have been amended, by this Amendment.

The Office Action dated October 7, 2008 objected to Fig. 2 of the drawings. The Office Action also rejected claims 1-22. Claim 22 was rejected under 35 U.S.C. §§ 101 and 112. Claims 1-21 were rejected under 35 U.S.C. §§ 102(b) and 103(a) based on prior art.

Drawings

The Office Action objected to Fig. 2 because it did not include legends for items 1, 5, 10, 20, 21, 22, and 23. Applicants respectfully submit that the objection is misplaced. The objection does not state why legends are required, or state any legal authority pursuant to which legends may be required. It is noted that, in the present application, all of the reference numerals identified in the objection are referred to and discussed in pages 11-14 of the specification. Furthermore, this application is a national stage application and the current version of Figure 2 was accepted and published in PCT Publication No. WO 2004/034721 of PCT Application No. IB2003/004387 from which this US national stage application is derived. Accordingly, it is respectfully submitted that further amendment to Figure 2 should be required in order to include descriptive legends in addition to the reference numerals.

Nevertheless, a Replacement Drawing Sheet including handwritten changes to Fig. 2 to include the legends for the reference numerals is submitted simultaneously with this Amendment. Applicants request that the changes be accepted and that the next Office Action contain an indication that the changes have been accepted by the Examiner.

35 U.S.C. §§ 101 and 112

The rejections of claim 22 under 35 U.S.C. §§ 101 and 112 are set forth in parts 2-4 on pages 2-3 of the Office Action. However, claim 22 has been cancelled without prejudice or disclaimer by this Amendment. Applicants therefore respectfully submit that the rejections are moot.

Prior Art Rejections

The grounds for the prior art rejections of claims 1-21 are set forth in part 6 on pages 4-5 of the Office Action. Specifically, the independent claims 1 and 18 are rejected as being anticipated or rendered obvious by U.S. Patent No. 6,484,033 issued to Murray on November 19, 2002 (this preferred embodiment hereinafter referred to simply as "Murray") either alone or in combination with other further references. Applicants respectfully traverse the rejection at least because it does not establish a prima facie case that the applied prior art includes each and every one of the combination of features set forth in the rejected claims.

For example, independent method claim 1 includes the features of "an area event notification request"; that the area event notification request contains information associated with the identity of a mobile station and "an area of interest"; of "activating monitoring for an event indicative of a change in the presence status of the mobile station relative to said area of interest" and "signaling a notification in response to detection of such event." Independent apparatus claim 18 includes substantially the same features.

Area Event Notification Request

With respect to the first feature of an area event notification request, the rejection cites col. 10, lines 24-30, of the patent. This portion of the patent (as well as the succeeding portion which is relevant but not cited in the rejection) reads as follows:

"FIG. 7 is a flowchart illustrating the operation of the application server 76 within the wireless communication system 10 of FIG. 1 in accordance with the present invention. In Step 160, the application server 76 receives event information 120 which can, for example, include the event time 132, the event location 134, the event backup information 136, and event criteria parameters 129. Next, in Step 162, the event information 120 is processed by the server event management application 82 and passed to the server memory 152 for storage as event information 120. Next, in Step 164, the application server 76 receives and processes the current information 111 of the wireless communication device 32 and stores the current information 111 in the current information 111 memory of server memory 152. **Next, in Step 166, the event information 120 and current location 122 of the wireless communication device 32 are compared to the event criteria parameters 129.** This comparison is done by the server event management application 82. When the event information 120 and the current location 122 do not match the event criteria parameters 129 in Step 166, the process ends. When the event information 120 and the current location 122 match the event criteria parameters 129, the process proceeds to Step 168. In Step 168, the predetermined action for this event is performed. The predetermined action can be the determination of which backup device user 74

having a backup wireless communication device 47 is able to attend the event. This determination can include retrieving the backup list 85 and determining the current location 122 of each backup wireless communication 47. Once a backup device user 74 is found and identified, a call or message can be sent to the backup wireless communication device 47. The call or message can indicate to the backup device user 74 that they will need to attend the an upcoming scheduled event." (emphasis added)

Col. 10, lines 24-42.

As seen in Fig. 7 and discussed in the above quoted portion, application server 76 manages an event schedule and receives event information 120, including the time and location of the event, and information as to the location of mobile stations in steps 162 and 164. At step 166, the event information 120 and the mobile station information 111 are compared to event criteria 129 to calculate whether the user of the mobile station will be able to attend the event in time. Step 166 occurs directly after step 164. There is no indication that application server 76 receives an area event notification request. If it is determined that the user of the mobile station designated to attend an event is unable to attend the event, then the system notifies another one of the mobile users who is close enough to attend the event or meeting as a backup. Although application server 76 sends reminders to the mobile users at specified times in order to attend events, and a notification to the user of another mobile station if the initial mobile user becomes unable to attend in time, there is no "area event notification request" as recited in the claims.

Area of Interest

With respect to the second feature that the "area event notification request contains information associated with the identity of a mobile station and an area of interest", the rejection cites the paragraph at col. 7, lines 53-65, of the patent, which reads as follows:

"The event schedule 80, received from the application server 76 of the wireless communication system 10 (see FIG. 1) identifies the device user 68 and the wireless communication device 32 for a particular event. In one embodiment, the device processor 98 receives the current time 114 from the clock 96 and sends the processor command 116 including the current time 114 to the device event management application 108. The device event management application 108 compares the value of the current time 114 to the event information 120 stored in the device memory 100 for the wireless communication device 32 as defined by the event schedule 80, and sends the application response 118 when there is a match."

While the paragraph indicates that the event schedule 80 includes information associated with

the identity of a mobile station, there is no mention or discussion of an area event notification request that includes information associated with "an area of interest" as recited in the claims. The schedule management method of Murray may be location based wherein the current location of the mobile stations is determined using GPS and the location of events is known and stored in application server 76. However, the location information is used along with event criteria parameters 129 such as travel time 173 and a limit 177, such as a time of day, to calculate a mobile user's distance and travel time to the event being compared in step 166. Thus, there is no "area of interest" as recited in the independent claims; there is only a determination of which mobile users can timely attend the event that includes the location of the mobile station as part of the calculation. Furthermore, the independent claims do not merely recite an area of interest - they recite that the area of interest must be contained in an area event notification request. There is no event notification request in Murray that specifies an area of interest.

Activating Monitoring and Signaling Change in Presence

With respect to the third feature of "activating monitoring for an event indicative of a change in the presence status of the mobile station relative to said area of interest", the rejection does not cite any portion of the patent. With respect to the fourth feature of "signaling a notification in response to detection of such event", the rejection cites a portion of the patent quoted above with respect to the first feature of an area event notification request. It should be apparent from careful consideration of the four features quoted above that the term "event" as used in the claims refers to when a mobile station enters or leaves a specified area of interest, rather than an appointment or meeting, which is how that term is used in Murray.

Although Murray does monitor the location of mobile stations, it does not monitor a change in the presence (or absence) of a mobile station from any particular area of interest, much less an area of interest indicated in an event notification request. Instead, in Murray, if and when a mobile station becomes unable to attend an event in time, Murray then determines if the user of another mobile station can attend the event in time. Murray does not monitor the initial mobile station, or other mobile stations, to determine when they enter or leave an area of interest. And when it does attempt to determine whether another mobile station can attend in time, Murray is only concerned with the

specific location of the other mobile station as part of the calculation it would take for that mobile station to travel to the scheduled event, and is not concerned with whether the other mobile station is in an area of interest.

Furthermore, the notification sent in Murray, is to a backup user so that the backup user can attend the scheduled meeting instead of the original user who is no longer able to attend in time. This notification is unrelated to and is not the result of detection of a change when a user enters or leaves an area of interest, nor is it actively monitored for an area of interest contained in an area event notification request.

Claim Amendments

In addition to the reasons given above, applicants respectfully submit that the claims are further allowable because of changes made to the claims by this Amendment. Independent claims 1 and 18 have been amended to delete unnecessary language from the preambles thereof. They have also been amended to specify that the area of interest is a geographic area of interest; and that the area event notification request is received from a client and the notification is sent to that client. Claims 18-21 have also been amended to be directed to an apparatus rather than an arrangement in a communication system.

Exemplary, non-limiting, support for these claim amendments can be found from the preferred embodiment described on pages 28-29 of the specification. In this specific (non-limiting) example, the client is a shop in a shopping centre that wishes to send customers advertisements when they enter the shopping centre. The shop can send an area event notification request containing information associated with the identity of mobile stations of their customers and an area of interest corresponding to the area of the shopping centre. Monitoring is then activated and when it is determined that a mobile station of a shop customer is present in the shopping centre, a notification can be sent to the shop. By monitoring the change in presence status, advertisements can be pushed when the customer enters the shopping centre and can be stopped when the customer leaves the shopping centre.

Conclusion

Applicants respectfully submit that none of the cited documents disclose or suggest the subject matter of the amended independent claims 1 and 18 for at least the above reasons. Thus, claims 1 and 18 (and the claims which depend on them) are allowable and a formal Notice of Allowance is requested.

Applicants hereby petition for a one month extension of time for filing this Amendment in response to the outstanding Office Action dated October 7, 2008. The Commissioner is hereby authorized to charge the extension fee, and any additional fees which may be required for consideration of this Amendment or to otherwise avoid abandonment, to Deposit Account No. **13-0760** (Atty. Docket No. 06173.4023US).

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Date

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